

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6077
BILL NUMBER: SB 233

NOTE PREPARED: Oct 23, 2012
BILL AMENDED:

SUBJECT: Local Funds.

FIRST AUTHOR: Sen. Smith J
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: *County Funds:* The bill specifies that money in certain county funds may be paid from those funds only upon appropriation by the county fiscal body. (Current law governing those funds allows money to be paid or distributed from the funds without appropriation.)

Supplemental Juvenile Probation Services Fund: The bill provides that money in the county supplemental juvenile probation services fund shall be appropriated by the county fiscal body only for use by the courts in providing probation services to juveniles and to pay part or all of the salaries of juvenile probation officers. (Under current law, money in the fund may be appropriated only for supplementing those services and for supplementing those salaries.) It specifies that the county fiscal body determines the amount of any appropriations made from the fund. The bill repeals a provision specifying that the fund may not be used to replace other funding or probation services.

Supplemental Adult Probation Services Fund: The bill provides that money in the county supplemental adult probation services fund or the local supplemental adult probation services fund may be used only to provide probation services and to pay part or all of the salaries of probation officers. (Under current law, money in the fund may be appropriated only for supplementing those services and supplementing those salaries.) It specifies that the county fiscal body determines the amount of any appropriations made from the county supplemental adult probation services fund, and the city or town fiscal body determines the amount of any appropriations made from the local supplemental adult probation services fund. It repeals a provision specifying that administrative fees deposited into a county or local supplemental probation services fund may be used only to pay for salary increases required under the probation officers salary schedule that became effective January 1, 2004.

Commissary Fund: The bill requires the county sheriff to provide monthly a copy of the receipts and disbursements from the commissary fund to the county fiscal body. (Current law requires this reporting to be done semiannually.)

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *County Funds:* To the extent that a county fiscal body does not appropriate funds, the bill could reduce expenditures. However, the fiscal impact is indeterminate, based on the action of county fiscal bodies.

Supplemental Juvenile and Adult Probation Services Funds: Additionally, the bill could provide more flexibility to pay juvenile and adult probation services and personnel costs by removing the requirement that certain funds be expended to supplement probation services or the salaries of probation officers. The fiscal impact of this provision will depend on the decisions of the county fiscal body in funding probation services.

Background Information: The table below shows the county funds affected by the bill, the county official currently charged with expending funds without appropriation by the county fiscal body, and the purpose for which the funds may be expended. Under the bill, all of these would require the county fiscal body to appropriate the funds before expenditures are made.

Fund	Official	Purpose of Expenditure
County Property Reassessment Fund	County Auditor	Pay the cost of a contractor for assessment or reassessment.
A special nonreverting fund	County Auditor	Pay the cost of contractor to find undervalued or omitted property.
County General Fund	Not Indicated	Make principle or interest payment if the levy is insufficient.
Special Account within the County General Fund	County Sheriff or Fiscal Body	Provide law enforcement on lakes located within the county.
County General Fund	Not Indicated	Pay the costs of a pound if the state veterinarian declares a quarantine.
Prosecuting Attorney's Child Services Collections Account	Prosecuting Attorney	Enhanced enforcement and collection of parental obligations.
Recorder's Records Perpetuation Fund	County Recorder	Preservation of records and improvement of record keeping systems and equipment.
County Property Reassessment Fund	County Sheriff or Sheriff's Designee	Multiple purposes concerning commissary and law enforcement.

Revenue Sources for Probation Funds: Under current law, county, city, and town fiscal bodies are required to adopt a salary schedule based on the minimum compensation requirements adopted by the Judicial Conference of Indiana. Any salary increases resulting from the salary schedule are payable from supplemental probation services accounts. The funds may not be used to replace other funding for probation services or probation staff salaries.

Statewide in 2011, counties received \$13.5 M from adult probation user fees and \$1.4 M from juvenile user fees generated by circuit, superior, and probate courts. City and town courts generated adult probation users fees of \$1.5 M, of which \$78,537 were county funds. Statewide, county probation officer expenditures totaled \$70.1 M and expenditures for city and town probation officers were \$2.0 M in 2011.

The revenue sources for the supplemental probation services accounts are shown in the table below.

Fund	Revenue Source	Fee
County Supplemental Juvenile Probation Services Fund	Initial Probation User's Fee	Between \$25 and \$100
	Probation User's Fee	Between \$10 and \$25
	Administrative Fee	\$100
County Supplemental Adult Probation Services Fund	<u>Initial Probation User's Fee</u> Felony Offender Misdemeanor Offender	Between \$25 and \$100 Not more than \$50
	<u>Monthly Probation User's Fee</u> Felony Offender Misdemeanor Offender	Between \$15 and \$30 Between \$10 and \$20
	<u>Administrative Fee</u> Felony Offender Misdemeanor Offender	\$100 \$50
	Initial Probation User's Fee - Misdemeanor	Not more than \$50
	Monthly Probation User's Fee - Misdemeanor	Between \$10 and \$20
	Administrative Fee - Misdemeanor	\$50

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: County fiscal bodies; various county officials.

Information Sources: *Indiana Trial Court Statistics*, 2011.

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